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9 Attorneys for Defendant  
10 **WALMART, INC. (erroneously sued as**  
11 **WALMART)**

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 MARIA GOMEZ DE QUIROZ,

15 Plaintiff,

16 v.

17 WALMART, WAL-MART STORES  
18 TO 10, INCLUSIVE

19 Defendants.

CASE NO.: 2:18-CV-10322

**NOTICE OF REMOVAL OF  
ACTION PURSUANT TO 28 U.S.C.  
SECTIONS 1332 AND 1441(a) and  
(b)**

Courtroom:  
District Judge:  
Magistrate Judge:  
Complaint Filed: April 25, 2018  
Trial Date:

20 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 PLEASE TAKE NOTICE that Defendant WALMART, INC. ("Walmart"),  
22 by and through its counsel, hereby removes that above-entitled action filed by  
23 Plaintiff MARIA GOMEZ DE QUIROZ ("Plaintiff") in the Superior Court of the  
24 State of California, County of Los Angeles, Case No. BC703836 to the United  
25 States District Court, Central District of California pursuant to 28 U.S.C. §1441,  
26 and respectfully alleges as follows:

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1           1.       On April 25, 2018, an action was commenced in the Superior Court of  
2 the State of California, County of Los Angeles, entitled *Maria Gomez De Quiroz v.*  
3 *Walmart*, Case Number BC703836 (“the State Action”). A copy of the complaint  
4 filed in the State Action is attached hereto as Exhibit 1.

5           2.       Walmart was served with a copy of the complaint filed in the State  
6 Action and a summons from the State Court on July 6, 2018. A copy of the  
7 summons is attached hereto as Exhibit 2.

8           3.       Plaintiff’s complaint purports to assert causes of action for negligence  
9 and premises liability under the laws of California.

10          4.       The complaint seeks to recover costs of suit, pre-judgment interest,  
11 and compensatory damages, including wage loss, hospital and medical expenses  
12 and loss of earning capacity. (Exhibit 1, ¶¶ 11 and 14.)

13                   **DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332 (A)**

14          5.       This Court has jurisdiction over this matter under 28 U.S.C. § 1332 (a)  
15 (1), because there is complete diversity as the parties are citizens of different states,  
16 and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.  
17 Removal is therefore proper pursuant to 28 U.S.C. §§ 1441 (a) and (b).

18          6.       Plaintiff admits that he is a resident and a citizen of the State of  
19 California and that he is claiming more than \$75,000 in damages arising from the  
20 incident in his responses to Walmart’s Request for Admissions, Set Two. A copy of  
21 Walmart’s Request for Admissions, Set Two, and Plaintiff’s responses to  
22 Walmart’s Request for Admissions, Set Two, is attached hereto as Exhibits 7 and 8.  
23 Defendant is informed and believes that Plaintiff is a citizen of California.

24          7.       Walmart is a citizen of Delaware where it is incorporated, and of  
25 Arkansas, where it holds its principal place of business (in Bentonville, Arkansas).  
26 Copies of Walmart’s corporate information from the California Secretary of State  
27 Business Search and the Arkansas Secretary of Business/Commercial Services are  
28 attached hereto as Exhibits 3 and 4, respectively.

8. We are informed and believe that Defendant Wal-Mart Stores East, Inc. was erroneously sued as Defendant Wal-Mart Stores, Inc. Defendant Wal-Mart Stores East, Inc. is a citizen of Delaware where it is incorporated, and of Arkansas, where it holds its principal place of business (in Bentonville, Arkansas). Copies of Wal-Mart Stores East, Inc.'s corporate information from the California Secretary of State Business Search and the Arkansas Secretary of Business/Commercial Services are attached hereto as Exhibits 5 and 6, respectively.

9. Because the State Action is pending in the Superior Court of California in and for the County of Los Angeles, removal of this action to this District Court is proper under 28 U.S.C. section 1441 (a).

10. Removal is timely under 28 U.S.C. section 1446 (b) because this Notice of Removal is filed within 30 days of Walmart being served with Plaintiff's responses to Walmart's Request for Admissions, Set Two.

11. Written notice of the filing of this Notice of Removal will be promptly served on Plaintiff. A true and correct copy of this Notice of Removal and the concurrently-filed Notice of Interested Parties and Civil Cover Sheet will be filed with the Clerk of the Superior Court of the State of California in and for the County of Los Angeles as soon as practicable.

WHEREFORE, Walmart requests that the above-entitled action be removed from the Superior Court of the State of California, County of Los Angeles, to this District Court.

**PETTIT KOHN INGRASSIA LUTZ & DOLIN PC**

Dated: December 12, 2018

By: /s/ Silvia Luna  
 Bron E. D'Angelo, Esq.  
 Silvia E. Luna, Esq.  
 Attorneys for Defendant  
**WALMART, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that the following document(s):

**NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. SECTIONS 1332 AND 1441(a) and (b)**

was/were served on this date to counsel of record:

☒ **BY MAIL:** By placing a copy of the same in the United States Mail, postage prepaid, and sent to their last known address(es) listed below.

☐ **BY E-MAIL DELIVERY:** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I sent the above document(s) to the person(s) at the e-mail address(es) listed below. I did not receive, within a reasonable amount of time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **BY ELECTRONIC TRANSMISSION:** I electronically filed the above document(s) with the Clerk of the Court using the CM/ECF system. The CM/ECF system will send notification of this filing to the person(s) listed below.

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SIEVERS LAW FIRM  
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**Attorneys for Plaintiff**  
**MARIA GOMEZ DE QUIROZ**

Executed on **December 13, 2018**, at Los Angeles, California.

/s/ Bridgette Araiza  
Bridgette Araiza